

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT
(If necessary)

VS

C.A.N. _____

ORDER APPOINTING GUARDIAN AD LITEM

The Court being of the opinion that the appointment of a qualified Guardian Ad Litem is necessary and warranted in this matter so as to advance the best interest of the minor child/ren named herein, **IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:**

_____ is hereby appointed as Guardian Ad Litem to assist the court and to protect the interests of the following minor child/ren: _____

_____.

The Court finds that the Guardian Ad Litem has completed the requisite training and is otherwise qualified, without interest adverse to the minor child/ren herein.

The Guardian Ad Litem is hereby ordered and directed to investigate, make recommendations to the Court and enter reports, and act in all respects to assist the court in protecting the best interest of the minor child/ren.

The Guardian Ad Litem is hereby authorized and empowered to review and copy any and all records, including, but not limited to educational, medical, psychological and psychiatric records, financial and banking records of every kind and nature, any protective service reports and/or contacts pertaining to said minor child/ren, all of which information shall be maintained as confidential by the Guardian Ad Litem, except upon further order of this Court. A certified copy of this Order shall be presented by the Guardian Ad Litem to all third parties from whom

information is requested, and shall serve as authorized to release such information to the Guardian Ad Litem.

The Guardian Ad Litem is expressly authorized to communicate directly with each party in the case and shall not be required to communicate through counsel. However, the Guardian Ad Litem is directed to send a copy of any and all correspondence with each party simultaneously to that party's counsel of record.

Each party is hereby ordered and directed to provide the Guardian Ad Litem, in writing, within five (5) days following the date of the entry of this Order, the following information:

1. A brief statement of the party's position on the issues of child custody, visitation and support;
2. A copy of each document in the party's possession upon which the party relies to support the party's position as to child custody, visitation and support, including, but not limited to psychological, psychiatric or other professional reports and records;
3. A list of all witnesses, including, but not limited to, medical and mental health professionals who have information supporting the party's position regarding child custody, visitation and support, providing for each individual his/her name, address and telephone number;
4. A list of the party's employers for the preceding five (5) years, together with a statement of the work performed, hours and days regularly worked, and gross and net pay;

5. A list of all counselors, psychiatrists, psychologists and other mental health professionals with whom the party and/or minor child/ren have consulted within the past five (5) years;
6. A list of each street address at which the party has resided within the past five (5) years;
7. The names, addresses and telephone numbers of three (3) references, other than relatives, with whom the Guardian Ad Litem may discuss the party's parenting ability and relationship with the minor child/ren;

Each party is hereby ordered and directed to cooperate fully with the Guardian Ad Litem and to provide him/her with truthful, accurate information promptly when requested to do so. This is a continuing order for disclosure, and the Court may refuse to allow the introduction into evidence of information that was not provided to the Guardian Ad Litem contrary to this Order, unless good cause is shown.

The Guardian Ad Litem is hereby ordered and directed to file a written report with the Court, which may include recommendations, and may also include preference of any minor child who has attained the age sufficient to state such a preference. The report shall be filed and simultaneously served on counsels for all parties, or pro se litigants individually, on or before three (3) days prior to trial, excluding holidays and weekends. The Guardian Ad Litem's report shall address at least the following items:

1. Interview with the minor child/ren, specifying where and when conducted and under what circumstances;
2. Interview with the parents, specifying where and when conducted and under what circumstances;

3. Interview with any step or half siblings of the minor child/ren who reside in the same home as the minor child/ren, specifying where and when conducted and under what circumstances;
4. Interview with school officials and personnel, medical personnel, social workers, church and community contacts, as appropriate and required;
5. Copies of all pertinent documents and reports;
6. The issues to be presented to the Court for determination, the relevant legal authority, and a discussion of the facts of this matter as applied to the relevant legal authority;
7. The recommendations of the guardian Ad Litem as to resolution of the issues to be presented to the Court.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff shall deposit with the Clerk of this Court the sum of \$ _____, and the Defendant shall deposit with the Clerk of this Court the sum of \$ _____, within twenty (20) days of the date of this Order, same being a deposit against the fees and expenses of the Guardian Ad Litem. Further deposits may be required as necessary. The Guardian Ad Litem shall maintain adequate and sufficient records of services provided and expenses incurred and shall present same to the court and counsels for the parties prior to trial.

SO ORDERED AND ADJUDGED, this the _____ day of _____,
20____.

C H A N C E L L O R

**AUTHORIZATION TO USE OR DISCLOSE PROTECTED EDUCATIONAL INFORMATION;
THIS AUTHORIZATION IS HIPAA COMPLIANT**

I, _____, parent of _____ hereby authorize _____ to use or disclose the following protected educational information (PEI) from the educational/school records of the student listed below to:

Name: _____, Court-appointed guardian ad litem

Guardian ad litem's Address: _____

Student's Name: _____

Student's DOB: _____

Student's Social Security Number: _____

Student's Address: _____

Disclose the following PEI for treatment dates _____ to _____.

<input type="checkbox"/> Test Scores	<input type="checkbox"/> Equivalency Test Scores	<input type="checkbox"/> SAT Scores
<input type="checkbox"/> Intelligence Quotient Scores	<input type="checkbox"/> Counselor's Notes	<input type="checkbox"/> ACT Scores
<input type="checkbox"/> Attendance Records	<input type="checkbox"/> Medical Records	<input type="checkbox"/> Mississippi State
<input type="checkbox"/> Teacher Comments	<input type="checkbox"/> School Nurse Notes	<input type="checkbox"/> Testing Scores
<input type="checkbox"/> All School Transcripts	<input type="checkbox"/> MCT Test Scores	<input type="checkbox"/> Disciplinary
		Notes/Comments
<input type="checkbox"/> All other Records in student's files;	<input type="checkbox"/> Other Specified: _____	

The above information is disclosed for the following purposes:

Medical Care Legal Care Insurance Personal Other _____

_____ I acknowledge, and hereby consent to such, that the released information may contain alcohol and drug abuse, psychiatric, HIV or genetic information.
initials

That the undersigned is the court ordered custodial parent of the minor child, _____, This information shall expire upon this expiration date: _____. If I fail to specify an expiration date or event, this authorization will expire six (6) months from the date on which it was signed.

I understand that I have the right to revoke this authorization at any time. I understand that I must do so in writing and present the written revocation to _____. I understand that the revocation will not apply to information that has already been released by this authorization.

The information used or disclosed pursuant to the authorization may be subject to redisclosure by the recipient and no longer protected.

I have read the above and authorize the disclosure of the protected educational information as stated.

Signature of Custodial Parent

Date

Signature of Witness

Date

**AUTHORIZATION TO USE OR DISCLOSE PROTECTED HEALTH INFORMATION THIS
AUTHORIZATION IS HIPAA COMPLIANT**

I, _____, parent of _____ hereby authorize _____ to use or disclose the following protected information (PHI) from the medical records of the patient listed below to:

Name: _____, Court-appointed guardian ad litem

Guardian ad litem's Address: _____

Patient Name: _____

Patient DOB: _____

Patient Social Security Number: _____

Patient Address: _____

Disclose the following PHI for treatment dates _____ to _____.

Abstract/Pertinent History & Physical Discharge Summary Consult

Operative Report Progress Notes Physician Orders Nurses Notes

ER Report Lab X-ray Entire Chart

Other Specified: _____

The above information is disclosed for the following purposes:

Medical Care Legal Care Insurance Personal Other

I acknowledge, and hereby consent to such, that the released information may contain _____ alcohol and drug abuse, psychiatric, HIV or genetic information.
initials

That the undersigned is the court ordered custodial parent of the minor child, _____.

This information shall expire upon this expiration date: _____. If I fail to specify an expiration date or event, this authorization will expire six (6) months from the date on which it was signed.

I understand that I have the right to revoke this authorization at any time. I understand that I must do so in writing and present the written revocation to _____.

I understand that the revocation will not apply to information that has already been released by this authorization.

The information used or disclosed pursuant to the authorization may be subject to redisclosure by the recipient and no longer protected.

I have read the above and authorize the disclosure of the protected health information as stated.

Signature of Custodial Parent

Date

Signature of Witness

Date

**SECOND CHANCERY COURT DISTRICT
PRACTICE AND PROCEDURES REGARDING
APPOINTMENT OF A GUARDIAN AD LITEM FOR MINORS**

Introduction

The following guidelines are adopted in light of Uniform Youth Court Rule 13, and the case of *S.G. v. D.C.*, No. 2007, CA-01909-SCT (2009).

1. It is the policy of this Court to appoint a guardian ad litem for a minor child under the following circumstances:
 - a. when a child has no parent, guardian or custodian;
 - b. when the court cannot acquire personal jurisdiction over a parent, a guardian or a custodian;
 - c. when the parent is a minor or a person of unsound mind;
 - d. when the parent is indifferent to the interest of the child or if the interests of the child and the parent, considered in the context of the cause, appear to conflict;
 - e. in every case involving an abused or neglected child which results in a judicial proceeding; or
 - f. in any other instance where the court finds appointment of a guardian ad litem to be required by law or to be in the best interest of the child.
2. The person appointed as a guardian ad litem will be trained and qualified as required by Section 43-121 (4), *Miss. Code Ann. (1972)*.
3. Unless otherwise set forth in the order of appointment, the guardian ad litem will serve as an “arm of the court” and will be expected, at a minimum, to do the following:
 - a. At all times protect the interests of the child;
 - b. Investigate the facts;
 - c. Make a preliminary report to the court prior to trial, setting forth all pertinent information, good and bad;
 - d. Make recommendations concerning the issues at hand;
 - e. Attend and participate in the trial of the case and act to protect the interests of the child;
 - f. Make a final report, verbal or written, upon conclusion of the evidence at trial.
4. The guardian ad litem will inform children of suitable age to understand that he or she is not their attorney, and there is no attorney-client privilege.
5. The guardian ad litem will not act as attorney for the children, unless specifically appointed for that purpose.
6. The litigants shall normally bear the cost of the guardian ad litem and prepay those costs into the registry of the Court. The ultimate allocation of costs, however, rests within the Court’s discretion.

7. Litigants will be expected to fully cooperate with the guardian ad litem's investigation, by making information within their knowledge and control available to the guardian ad litem and executing releases required by the guardian litem. If a litigant objects to the release of requested information, he or she should make a timely motion for a protective order.
8. The guardian ad litem may, but is not required to conduct discovery pursuant to the MRCPL, and may have ex parte conversations with any witness or party without the requirement of formal notice to anyone.